

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

STEPHEN JACKSON et al.

Application No.: Continuation of 09/631,407

Filed: Herewith

For: ADJUSTABLE SEAT COVERS FOR  
HIGH OR LOW BACK SEATS

Group Art Unit:

Examiner:

**PRELIMINARY AMENDMENT**

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EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S Postal Service "Express Mail Post Office to Addressee" service, Express Mail No. EL 904 946 350 US under 37 CFR 1.10 on November 19, 2001 and is addressed to Commissioner of Patents and Trademarks, Box Patent Application, Washington, D.C. 20231

GRAY CARY WARE & FRIEDENRICH Date: 11/19/01

By:   
Kathleen LaBrie

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please preliminarily amend the above identified application as follows:

**I. CLEAN VERSION OF CLAIMS ADDED**

**A. Please cancel claims 8 and 13-15 without prejudice.**

**B. Please add the following new claims:**

16. An adjustable automobile seat cover capable of conforming to a high-back or low-back automobile seat, the cover comprising:
- a seat portion having a surface panel; and
  - a back portion having a forward panel, and upper and lower rear panels, each panel having top, bottom and side edges, the upper rear panel affixed to the forward panel along the top and side edges of each, the lower rear panel affixed to the forward panel along the side edges of each, the bottom edge of the upper rear panel and a portion of the upper rear panel extend

below the top edge of the lower rear panel and between the forward panel and the lower rear panel;

wherein an amount of the upper rear panel portion that is disposed below the lower rear panel top edge and between the forward and lower rear panels is adjustable to accommodate various sizes of automobile seats.

17. The seat cover of claim 16, further comprising:

a first securing strap extending from adjacent the upper edge of the top rear panel; and  
a second securing strap extending from adjacent the bottom edge of the top rear panel.

18. The seat cover of claim 17, further comprising:

a third securing strap extending from adjacent the upper edge of the top rear panel,  
wherein the first and third securing straps are spaced apart from each other.

19. The seat cover of claim 16, wherein the surface and forward panels are formed of an inelastic material.

20. The seat cover of claim 19, wherein the inelastic material is sheepskin.

21. The seat cover of claim 20, wherein the upper and lower rear panels are formed of an elastic material.

22. The seat cover of claim 16, further comprising:

means for constricting the top edge of the lower rear panel.

23. The seat cover of claim 22, wherein the constricting means comprises a drawstring.

24. The seat cover of claim 23, further comprising:  
a sleeve affixed to the top edge of the rear panel, wherein the sleeve contains the  
drawstring.

25. The seat cover of claim 16, further comprising:  
a pocket lining extending from the bottom edge of the upper rear panel to the top edge of  
the lower rear panel for forming a pocket.

26. The seat cover of claim 17, further comprising:  
securing hooks attached to distal ends of the first and second securing straps.

27. The seat cover of claim 26, wherein the first and second securing straps are made  
of an elastic material.

II. REMARKS

Claims 1-7, 9-12 and 16-27 are pending. Claims 8 and 13-15 have been cancelled, and claims 16-27 have been newly added.

In the parent application (09/631,407), claims 1-7 and 9-12 were rejected, and claims 8 and 13-15 were indicated as allowable, in the Office Action mailed August 29, 2001. Applicants cancelled the rejected claims to expedite the issuance of the allowed claims. The rejected claims are currently pending in the present application, and the Applicants address the claim rejections of the August 29, 2001 Office Action below. Reconsideration is respectfully requested.

I. Rejection of Claims 1-4 under § 102(b)

In the parent application, claims 1-4 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,676,549 (English). The Applicants respectfully traverse this rejection.

It is respectfully submitted that English fails to teach or suggest many of the elements recited in the rejected claims. For example, claim 1 recites the seat cover having a back portion with a forward panel, and upper and lower rear panels, where "the upper rear panel affixed to the forward panel along the top and side edges of each". On page 2 of the Office Action, the Examiner states that panel 10, uppermost part 16 of cap 14, and cap 14 of English correspond to the claimed forward, rear upper and rear lower panels, respectively. Yet, as made clear in Fig. 3 of English, part 16 is not affixed to panel 10 "**along top and side edges of each**". Instead, only the top edge of panel 10 is attached to an edge of part 16.

Claim 1 further recites "the bottom edge of the upper rear panel extending below the top edge of the lower rear panel". Yet, in English, none of the figures show "a bottom edge" of part 16 extending below the top edge of cap 14, since the edge of part 16 (affixed to the panel 10) would correspond, under the Examiner's application, to the top edge of the upper rear panel that is affixed to the forward panel. Claim 1 also recites "first spaced-apart securing straps extending from the upper edge of the top rear panel" as well as "one or more second securing straps extending from the bottom edge of the top rear panel" Yet, no straps are shown extending from

cap 16, let alone spaced-apart straps from its upper edge and a second securing strap from its bottom edge.

Therefore, since English clearly fails to teach the elements recited in claim 1, it is respectfully submitted that this claim, along with claims 2-4 dependent thereon, are not anticipated by English.

## **II. Rejection of Claims 1-7 and 9-12 under § 102(b)**

In the parent application, claims 1-7 and 9-12 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,234,252 (Wallach). The Applicants respectfully traverse this rejection.

It is respectfully submitted that Wallach fails to teach or suggest many of the elements recited in the rejected claims. For example, claims 1 and 9 recite "the bottom edge of the upper rear panel extending below the top edge of the lower rear panel". On page 2 of the Office Action, the Examiner states that panel 38, the closed top end 16, and the backrest envelope 12 of Wallach correspond to the claimed forward, rear upper and rear lower panels, respectively. Yet, Fig. 2 in Wallach makes clear that the closed top end 16 is integrally formed with envelope 12, with no apparent bottom edge of top end 16, let alone a bottom edge that extends below a top edge of envelope 12. Claims 1 and 9 further recite "first spaced-apart securing straps extending from the upper edge of the top rear panel" as well as "one or more second securing straps extending from the bottom edge of the top rear panel" Yet, no straps are shown extending from top end 16, let alone spaced-apart straps from its upper edge and a second securing strap from its bottom edge.

Therefore, since Wallach clearly fails to teach the elements recited in claims 1 and 9, it is respectfully submitted that these claims, along with claims 2-4 and 10-12 dependent thereon, are not anticipated by Wallach.

**III. Newly Added Claims**

Claims 16-27 have been newly added to more particularly claim what the inventors consider to be the present invention. It is respectfully submitted that these new claims are not anticipated or rendered obvious by English and/or Wallach.

Early and favorable action is respectfully requested.

Respectfully submitted,

GRAY CARY WARE & FREIDENRICH

Dated: Nov. 19, 2001

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